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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,617	03/08/2002	Emiko Sakuma	M1909.0005/P005	9167
7590	08/09/2005		EXAMINER	
Ostrolenk Faber Gerb & Soffen 1180 Avenue of the Americas New York, NY 10036-8403				MEEK, JACOB M
		ART UNIT		PAPER NUMBER
		2637		

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/070,617	SAKUMA, EMIKO
	Examiner	Art Unit
	Jacob Meek	2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 March 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 - 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,13 and 14 is/are rejected.
- 7) Claim(s) 3 - 12, 15, 16 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaku et al (US-5,528,624).

With regard to claim 1, Kaku discloses a synchronous acquisition device that receives as a receiver signal a signal transmitted by spectrum spreading transmission data including one of first to mth pieces (m: an integer 2 or more) of fixed data using a spreading code having a plurality of paths into which the receiver signal is branched, (see figure 1, and abstract) wherein each of the paths includes: a 1<sup>st</sup> multiplier for multiplying the receiver signal by the spreading code (see Figure 2, 20i, 20q and column 3, lines 47 - 53); a 1<sup>st</sup> integrator for integrating an output signal of the 1<sup>st</sup> multiplier by one symbol time (see figure 2, 24i and 24q where summer is interpreted as analogous function to integrator) ; fixed data sequential output units for having the 1<sup>st</sup> to mth pieces of fixed data and sequentially outputting the 1<sup>st</sup> to mth pieces of fixed data (see figure 1, WG1 – WG8, and column 3, line 64 – column 4, line 3); a 2<sup>nd</sup> multiplier for multiplying an output signal from the 1<sup>st</sup> integrator by the 1<sup>st</sup> to mth pieces of fixed data outputted from the fixed data sequential output units, and sequentially outputting 1<sup>st</sup> to nth multiplication results (see figure 2, 23i and 23q); correlation value sequential output units for sequentially outputting the 1<sup>st</sup> to mth multiplication results as 1<sup>st</sup> to mth correlation values (see column 4, lines 13 –24 where this is interpreted as equivalent); and a path-

corresponding maximum value detector for detecting a maximum value of the 1<sup>st</sup> to mth correlation values (see column 7, line 55 – column 8, line 3).

With regard to claim 2, Kaku discloses fixed data sequential output units of each of the paths include: 1<sup>st</sup> to mth fixed data generator for generating the 1<sup>st</sup> to mth fixed data; and a fixed data selector for sequentially selecting and outputting one of the 1<sup>st</sup> to mth pieces of fixed data generated by the 1<sup>st</sup> to mth fixed data generator (column 3, line 64 – column 4, line 3 where this is interpreted as equivalent functionality).

With regard to claims 13 and 14, the steps claims as method are a restatement of the functions of the apparatus of claim 1 and 2, and therefore would have been obvious given the aforementioned rejection of claims 1 and 2.

#### ***Allowable Subject Matter***

2. Claims 3 – 12, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Other Cited Prior Art***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dohi (US-5,638,362), Hulbert (US-6,069,915), Takakusaki (US-6,128,329), Murai (US-6,154,487), Yang (US-6,324,210), Schilling (US-6,353, 627), Bierly (US-6,421,372), Ramberg (US-6,628,699), and Ok (US-6,850,507) all disclose apparatus describing various aspects of applicant's invention..

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Meek whose telephone number is (571)272-3013. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMM  
8/5/05



JAY K. PATEL  
SUPERVISOR, EXAMINER